

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Smithbaker et al.
Title: MULTI-STEP LOCKING EYE CUP TWIST UP DEVICE
Appl. No.: 10/629,241
Filing Date: 07/29/2003
Examiner: Ben, Loha
Art Unit: 2873
Conf. No.: 6602

ISSUE FEE TRANSMITTAL

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed herewith please find Issue Fee Transmittal Form PTOL-85(B).

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

The Examiner stated the following:

With respect to independent claims 1 and 2, reasons for allowance can be found in the Remarks made by Applicants on pages 6-8 of Amendment dated April 5, 2007. Regarding claim 8 (previously in dependent form) which is now rewritten in independent form, the subject matter contained therein is substantially the same as that of claim 2, but with an additional limitation as to the resisting part that is formed on the support ring to give a required resistance force against the movement of the adjustment ring. This further limitation further characterizes the novelty of the invention.

While the Applicants agree that the allowed claims recite a combination of subject matter that is patentable over the cited references, the Applicants do not necessarily agree with or acquiesce in the statement of reasons for allowance given by the Examiner. Moreover, the

Applicants note that the recited subject matter as well as various other subject matter and/or combinations of subject matter may be patentable for other reasons than those given by the Examiner. The Applicants expressly reserve the right to set forth additional and/or alternative reasons for patentability and/or allowance in connection with the present Application or in any other future proceeding.

REMARKS

These Comments on Statement of Reasons for Allowance under 37 C.F.R. § 1.104 are intended to be responsive to the Notice of Allowance dated July 19, 2007.

Fees in the amount of \$1,740.00 for payment of the Issue Fee and the Publication Fee are being paid by credit card via EFS-Web.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date 10-16-2007

By Karl F. Reichenberger

FOLEY & LARDNER LLP
Customer Number: 26371
Telephone: (414) 319-7347
Facsimile: (414) 297-4900

Karl F. Reichenberger
Attorney for Applicant
Registration No. 60,726